

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

APIES – Sri Khaja Nazeer Ahmed, Typist, Government Junior College, Valigonda, Nalgonda District – Treating the period of absence from 18.06.2007 to 06.03.2009 as Compulsory wait – Orders – Issued.

HIGHER EDUCATION (IE.I) DEPARTMENT

G.O.Rt.No. 221

Dated: 07-04-2011
Read the following:

1. From the D.I.E. Lr.Rc.No.Ser.II.A2/287/2010, dt.14.2.2011 & 17.2.2011.
2. Orders of the Hon'ble High Court of A.P. in W.P.No.3164/2011, dt.21.2.2011.

ORDER:

The Director of Intermediate Education in his letter 1st read above has stated that the Regional Joint Director of Intermediate Education, Warangal has submitted a report on the court case filed by Sri Khaja Nazeer Ahmed, Typist, GJC, Valigonda, Nalgonda District. He has stated that the Principal, GJC (B), Bhongir, Nalgonda District has reported on 14.09.2006 and 28.11.2006 that, Sri Khaja Nazeer Ahmed, Typist of the College has not been attending to duties from 02.06.2006. He is irregular to his duties and requested for filling-up of the vacant post of Typist. The incumbent has been unauthorisedly absent, without getting prior permission from the competent authority. The Regional Joint Director of Intermediate Education, Warangal has further informed that the incumbent has after a lapse of one year of unauthorized absence submitted an application on 18.06.2007 that he has under went Medical treatment from 02.06.2006 to 17.06.2007 and requested for postings. The Regional Joint Director of Intermediate Education, Warangal has called for a report from the Principal of the College seeking the information on the absence of the applicant vide his letter dated 16.11.2007. The Principal has submitted his report to the Regional Joint Director of Intermediate Education, Warangal on 06.03.2009. Consequently, posting order has been issued on receipt of the report of the Principal, dated 06.03.2009. The incumbent has been re-posted at Govt. Junior College, Valigonda, Nalgonda District, pending disciplinary action to be initiated against him. Disciplinary action has been initiated against the applicant by framing charges. The Individual has submitted his defence statement, which is not satisfactory. The District Vocational Education Officer, Khammam & Nalgonda has been appointed as Enquiry Officer to enquire into the matter. The Enquiry Officer has submitted his report. The case against the incumbent was concluded by the Regional Joint Director of Intermediate Education, Warangal with a minor punishment of 'censure' vide his proceedings dated 20.11.2009, since he is the controlling authority.

2. Aggrieved by the orders of the RJDIE, Warangal, dated 20.11.2009, the incumbent has approached the Hon'ble Tribunal and filed OA No.287 of 2010 and the Hon'ble Tribunal in its orders dated 14.09.2010 has issued directions to consider the matter and to treat the period from 02.06.2006 to 18.06.2007 as medical leave to which the applicant is eligible and the remaining period from 19.06.2007 to 06.03.2009 as compulsory wait, with all consequential benefits and pass appropriate orders in this regard within a period of six weeks from the date of receipt of the order.

3. The Director of Intermediate Education, A.P. Hyderabad has further stated that, the Regional Joint Director of Intermediate Education, Warangal has been instructed vide proceedings dated 20.12.2010 to submit a detailed report in the matter and also to file a Writ Petition in the Hon'ble High Court against the above said orders of the Hon'ble Tribunal. The RJDIE, Warangal has filed a Writ Petition No.3164/2011 in the Hon'ble High Court.

4. The Hon'ble High Court while disposing the W.P.No.3164 of 2011 has passed following orders dt.21.2.2011:-

P.T.O.,

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"The Tribunal observed that the petitioners have neither rejected nor granted the leave but initiated disciplinary proceedings and issued charge memo on the ground that the first respondent/ applicant was unauthorisedly absent for the period from 2.6.2006 to 17.6.2007 though the leave application is supported by medical certificate issued by the competent authority and accordingly held that the said period has to be treated as eligible medical leave. With regard to the period from 18.6.2007 to 6.3.2009, it further observed that though the first respondent/applicant submitted his joining report on 17.6.2007 instead of giving him posting immediately, the petitioners have kept him idle without giving posting orders and posting orders were issued only on 6.3.2009. Therefore, the Tribunal held that the period from 18.6.2007 to 6.3.2009 has to be treated as compulsory wait since there is no mistake on the part of the first respondent/applicant. Thus, the Tribunal rejected the contention of the authorities that they have taken a lenient view in imposing the punishment of censure on the applicant, taking into consideration his previous conduct. From a perusal of the order of the Tribunal, we are of opinion that it has given cogent reasons while allowing the O.A. Under the circumstances, we do not find any illegality or jurisdictional error warranting interference by this Court. However, the Government is directed to comply with the directions of the Tribunal within a period of six weeks from the date of receipt of a copy of these orders. The W.P. is accordingly dismissed"

5. After careful examination, Government hereby accord permission to the Director of Intermediate Education to implement the orders of the Hon'ble APAT, dt.14.9.2010 in O.A.No.287/2010 as confirmed by the Hon'ble High Court in its order dt.21.2.2011 in W.P.No.3164/2011, for treating the period from 18.06.2007 to 06.03.2009 as compulsory wait in respect of Sri Khaja Nazeer Ahmed, Typist, Government Junior College, Valigonnda, Nalgonda District, subject to recovery of the cost of compulsory wait from the concerned who are responsible for the delay in the postings in the two institutions (i.e., Principal, GJC (B), Bhongir, Nalgonda District and RJDIE, Warangal) as per instructions issued in Circular Memo.No.2/111/ A2/ FR.I/ 2000, Finance, dt.28.10.2002.

6. The Director of Intermediate Education, A.P. Hyderabad shall take necessary action in the matter accordingly.

7. This order issues with the concurrence of Finance (FR.I) Department vide their U.O.No.8012/150/FR.I/2011, dt.25.3.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
PRINCIPAL SECRETARY TO GOVERNMENT (SE)

To
The Director of Intermediate Education, A.P. Hyderabad.
The individual through D.I.E., AP.,Hyderabad.
The Regional Joint Director of Intermediate Education, Warangal.
The Accountant General of A.P.,Hyderabad,
The Director of Treasuries and Accounts, Hyderabad.
The District Treasury Officer, Nalgonda.
Copy to:
P.S. to M(SE)/ P.S.to Secy (SE)
Sf/Sc-1

//FORWARDED BY ORDER//

SECTION OFFICER